

**Introduced by Senator Cedillo**

February 16, 2006

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An act to add Section 1203.077 to the Penal Code, relating to probation.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1320, as introduced, Cedillo. Probation: Los Angeles County restrictions.

Existing law generally establishes probation and generally authorizes courts to fashion probation conditions as necessary.

This bill would require courts to impose as a condition of probation for persons serving probation in the County of Los Angeles, subject to exception, for persons convicted of certain narcotics offenses, a requirement that the person not be physically present in a specified area generally known as "skid row" in downtown Los Angeles.

By increasing the burden on local probation authorities, this bill would create a state-mandated local program.

The bill would also state findings and declarations relative to the measure.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares the  
2 following:

3     (a) Due to the size of Los Angeles County and its 88 cities, the  
4 volume of people being processed at the Los Angeles Central Jail  
5 in downtown Los Angeles is enormous, and presents a unique  
6 local situation in regard to persons on probation for certain  
7 narcotics offenses.

8     (b) The central jail is the point from which all inmates are  
9 released, regardless of where they were arrested in the county,  
10 thus releasing hundreds of people every day into the “skid row”  
11 neighborhood in downtown Los Angeles, near the central jail.  
12 This influx of people has increased drug trafficking and  
13 complicated rehabilitation efforts of service providers  
14 concentrated in the skid row area, and has created an  
15 overwhelming public safety issue.

16     (c) Between January 1, 2005, and November 17, 2005,  
17 inclusive, there were 4,149 narcotics arrests in the skid row area.  
18 The volume of drug related activity around recover programs  
19 diminishes the success of these programs and frustrates the  
20 efforts of service providers in skid row.

21     (d) Substance abusers seeking rehabilitation services are  
22 extremely vulnerable to further drug use when released from the  
23 Los Angeles Central Jail. The persons seeking treatment are  
24 solicited by drug dealers as they walk through skid row to enroll  
25 in or attend drug rehabilitation programs located there. This  
26 challenge is present for other individuals seeking enrollment or  
27 who are residing in a treatment program located in skid row.

28     (e) It is in the interest of the people who live in the skid row  
29 neighborhood and to persons participating in recovery programs  
30 to ensure that persons on probation for drug related crimes do not  
31 remain in the skid row area and prey upon people in recovery.  
32 The importance of this condition of probation serves as an  
33 essential component to the efforts by local police officers and  
34 service providers in diminishing the sale and use of narcotics in  
35 skid row.

36     SEC. 2. Section 1203.077 is added to the Penal Code, to read:

37     1203.077. (a) The court shall require, as a condition of  
38 probation for any person convicted of a violation of Section

1 11351 or 11352 of the Health and Safety Code as it relates to  
2 selling narcotics and serving probation in the County of Los  
3 Angeles, that the person not be physically present in the zone  
4 bordered by Third Street to Seventh Street, inclusive, and by  
5 Main Street to Alameda Street, inclusive, in the City of Los  
6 Angeles, during the duration of probation.

7 (b) Exceptions to the prohibition in subdivision (a) shall be  
8 granted in the case where the probationer has been ordered by the  
9 court to enroll in mental health or drug rehabilitation services, or  
10 is currently enrolled in those services, and the services are  
11 located within the exclusion zone described in subdivision (a).

12 (c) A violation of subdivision (a) shall constitute a violation of  
13 the terms of probation.

14 SEC. 3. If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.